IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE THIRTIETH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE D.S.R.VARMA

WRIT PETITION NO : 9016 of 1995

Between:

Rathna Kumar Yellapragada,

S/o. Y.S.R.Anjaneyulu,
R/o. 26, Jeera, Hyderabad.

.... PETITIONER

AND

1. The Government of A.P.,

rep. by. The Secretary to Government,

Municipal Administration and Urban Development Department,

Secretariat, Hyderabad.
2. The Commissioner,

Municipal Corporation of Hyderabad,
Tank bund, Hyderabad.
3. The Chief Medical Officer of Health,

M.C.H., Tank Bund, Hyderabad.

(W.P.as against R3, dismissed for default vide Court Order dt.21.6.2001)
4. The Managing Director,

Hyderabad Metropolitan Water Supply and Sewerage Board,
Khairatabad, Hyderabad.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of Mandamus or other appropriate order or direction in the nature of writ, directing the respondents, their subordinates, servants, staff others to take action

against the illegal and unlawful wet cultivation of grass on the appurtenant lands of Moosi, Osmansagar and Himayathsagar etc., in accordance with G.O.Ms.No. 46, dt. 23.1.82 and G.O.Ms.No. 12, dt. 10.1.1986 and to take other appropriate steps preventing the breeding and multiplication of mosquitoes and spreading the endemic malaria and other mosquito borne diseases after declaring the impugned action of the respondents arbitrary, illegal and violative of law and Article 21 of the Constitution.

Counsel for the Petitioner: MR.B.NALIN KUMAR

Counsel for the Respondents 1 & 2: MR.S.KISHAN RAO, G.P.FOR MUNCIPAL ADMINISTRATION AND URBAN DEVELOPMENT.

Counsel for Respondent No.4: Mr.S.Kishan Rao

The Court made the following:

ORDER:

The petitioner seeks writ of Mandamus directing the respondents, their subordinates, servants, staff and others to take action against the illegal and unlawful wet cultivation of grass on the appurtenant lands of Moosi, Osmansagar and Himayathsagar etc., in accordance with G.O.Ms.No.46, dated 23-01-1982, and G.O.Ms.No.12, dated 10-01-1986, and to take other appropriate steps preventing the breeding and multiplication of mosquitoes and spreading the epidemic diseases like malaria etc.,

2. This Court can only see the plight of the citizens through the voice of the petitioner. It is common knowledge that barring few, everybody is a victim one-way or the other of this mosquito hazards. In fact, this mosquito hazard cannot be eradicated over night. There are so many other areas connected with this menace, which are to be paid attention, for example, awareness among the public, who are residing in unhygienic conditions by compulsion but not out of volition is also one source, may be to a large extent.

3. However, this does not mean that the functionaries of the State can ignore this menace. Notwithstanding the fact that this menace cannot be eradicated shortly, the respondents shall take all such necessary steps, which have been incorporated in various G.Os., as mentioned in the affidavit, filed in support of the writ petition, and also notwithstanding the steps that were and are said to be taken by the respondents, much attention is required to be paid with all intensity with added sincerity and strong will to eradicate this menace.

4. It is also common knowledge that water sources not only in and around the city but also in the entire State is the source of spreading these mosquitoes. Therefore, the process of eradication has to start from the angle of public perception and awareness, coupled with determination of the State, which is meant for taking care of the welfare of the public.

5. The respondents shall not stop nor can be complacent with what had been done. Complacence should mean the result but not the mere attempt. Hence, the respondents are deserved to be directed to take stock of the whole situation afresh, if necessary from time to time in future and take all such measures that are to be taken and can be taken with full vigour and to the letter and spirit of the contents of the G.Os., which were issued earlier.

6. With the above observations and the directions, this writ petition is disposed of. Hence, there shall be no order as to costs.

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D.S.R.VARMA,J

Dated: 30-07-2004

LSK/KRK

To

1. The Secretary,

Government of A.P.,

Municipal Administration and Urban Development Department,

Secretariat, Hyderabad.
2. The Commissioner,

Municipal Corporation of Hyderabad,
Tank bund, Hyderabad.
3. The Chief Medical Officer of Health,

M.C.H., Tank Bund, Hyderabad.

4. The Managing Director,

Hyderabad Metropolitan Water Supply and Sewerage Board,
Khairatabad, Hyderabad.

5. Two C.Cs. to the Government Pleader for Muncipal Administration and

Urban Development

6. Two C.D. copies.